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Elizabeth Montiel

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH MONTIEL, an individual,

Plaintiff,

vs.

CRESCENT ELECTRIC SUPPLY COMPANY, a  
corporation; and DOES 1 through 25, inclusive,

Defendants.

) Case Number: 08cv243 DMS

) **DECLARATION OF CHRISTOPHER B.**  
) **DESAULNIERS IN SUPPORT OF PLAINTIFF'S**  
) **MOTION TO DISMISS WITHOUT PREJUDICE**

) Date: May 2, 2008  
) Time: 1:30 p.m.  
) Courtroom: 10

1. I, Christopher B. DeSaulniers, am an attorney employed with the Law Firm of Zampi and Associates, and am counsel of record for Plaintiff Elizabeth Montiel (hereinafter "PLAINTIFF"). The facts set forth herein are true and I will testify to the truth of such facts in a court of law if required.

2. On January 4, 2008, PLAINTIFF caused a summons and complaint to be served on Defendant Crescent Electric Supply Company's (hereinafter "DEFENDANT") agent for service of process. (A true and correct copy of the summons and complaint is attached hereto as Exhibit "A.")

3. Jeffrey J. Hoyt is designated as DEFENDANT's agent for service of process on the California Secretary of State's website. (A true and correct copy of the California Secretary of State's listing of DEFENDANT's Agent for Service of Process is attached hereto as Exhibit "B.")

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4. On January 22, 2008, PLAINTIFF propounded Form Interrogatories – Employment Law, Form Interrogatories – General, Requests for Admission, Request for Production of Documents and Special Interrogatories on DEFENDANT. (A true and correct copy of this discovery is attached hereto as Exhibit “C.”)

5. The complaint only alleges California statutory and common law causes of action and no Federal causes of action. (See Exhibit “A.”)


6. It is our intent, after dismissal of this action, to file a new complaint in California Superior Court naming Jeffrey J. Hoyt, PLAINTIFF’s supervisor, as an additional defendant. I am informed and believe that Mr. Hoyt is a citizen of California who is domiciled in California.

7. On February 22, 2008, I contacted opposing counsel, Lee Morrison, to ask if he would stipulate to dismissing this case. He declined to stipulate.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 5, 2008

LAW FIRM OF ZAMPI AND ASSOCIATES

By:   
CHRISTOPHER B. DESAULNIERS  
Attorney for Plaintiff,  
Elizabeth Montiel